

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GUADALUPE LOMELI-PINTO,

Defendant.

8:06CR285

ORDER

This matter is before the court on the motion to continue by defendant Guadalupe Lomeli-PintoRuben Lomeli-Pinto (Lomeli-Pinto) (Filing No. 17). Lomeli-Pinto seeks a continuance of the trial of this matter which is scheduled for January 8, 2007. Lomeli-Pinto's counsel represents that counsel for the government has no objection to the motion. Lomeli-Pinto's counsel represents that Lomeli-Pinto consents to the motion. Defendant shall file an affidavit in accordance with NECrimR 12.1(a) within ten days of this order. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Lomeli-Pinto's motion to continue trial (Filing No. 17) is granted.
2. Trial of this matter is re-scheduled for **February 26, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 3, 2007 and February 26, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 3rd day of January, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge